

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS**

September 4, 2012 – 3:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING
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Present: Chad Mitchell, Chairman
Carl Ford, Vice-Chairman
Jon Barber, Member
Raymond Coltrain, Member
Jim Sides, Member

County Manager Gary Page, Clerk to the Board Carolyn Athey, County Attorney Jay Dees and Finance Director Leslie Heidrick were present.

Chairman Mitchell convened the meeting at 3:00 p.m.

Commissioner Sides provided the Invocation and also led the Pledge of Allegiance.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to approve the minutes of the August 20, 2012 Commission Meeting passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

Commissioner Ford moved to add a request from Sheriff Kevin Auten regarding housing inmates from Iredell County in the new Rowan County Satellite Jail. The motion was seconded by Commissioner Sides and passed unanimously.

Chairman Mitchell placed the issue on the agenda as item #4b.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to approve the agenda passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

Commissioner Sides moved approval of the Consent Agenda. The motion was seconded by Commissioner Barber and passed unanimously.

The Consent Agenda consisted of the following:

- A. Annual Health Department Fee Schedule Recommendations
- B. Proclamation for Patriot Day
- C. Proclamation for Constitution Week
- D. Declaration of Official Intent to Reimburse Expenditures for Purchase of Fiscal Year 2013 Vehicles
- E. Change Order for 911 Center

Chairman Mitchell took a moment to call Barbara Ellis forward and to recognize her as Rowan County's new Health Director.

2. PUBLIC COMMENT PERIOD

There was no one present wishing to address the Board.

3. CONSIDER CHANGING SEPTEMBER 17, 2012 MEETING TIME

Chairman Mitchell said the Rowan County Fair began the week of September 17, 2012 and he opened the floor for discussion as to whether the Board wished to change the starting time for the September 17, 2012 board meeting.

Commissioner Barber moved to change the September 17, 2012 Commission meeting time to 3:00 p.m. The motion was seconded by Commissioner Sides and passed unanimously.

4. DISCUSSION REGARDING NCACC SOLICITATION OF COUNTY LEGISLATIVE GOALS PROPOSALS FOR 2013-14

Chairman Mitchell said the Board received a letter from the North Carolina Association of County Commissioners (NCACC) asking counties to provide input as to what they considered legislative priorities for 2013-14. Chairman Mitchell said Commissioners Sides and Ford had submitted several goals for consideration.

The goal titles submitted by Commissioner Sides were as follows:

- ***County DSS Board appointments by County Commissioners***

Commissioner Sides explained that the current Department of Social Services (DSS) Board had two (2) members appointed by the State, two (2) by the Board of Commissioners and one (1) member appointed by the DSS Board. Commissioner Sides said the North Carolina General Statutes state the DSS Board members are not state government officials but rather county officials. Commissioner Sides said based on the

Statute, he felt all DSS board members should be appointed by the local county commissioners.

Commissioner Coltrain said he preferred for the DSS Board to appoint three (3) members and the county commissioners appoint two (2) in order to keep the politics out of the appointment process.

Commissioner Sides explained that unless the terms were staggered, two (2) members would be appointing three (3) members. Commissioner Sides said the county commissioners were more aware of what was happening locally than the State. Commissioner Sides said the county commissioners were also familiar with the individuals submitting applications for appointment.

In response to an inquiry from Commissioner Barber, Commissioner Sides said the suggestions would be submitted to a steering committee of the NCACC. The steering committee would vet the suggestions and decide which goals should go before the NCACC.

Commissioner Barber asked if other counties had expressed an interest in the same goal. Commissioner Sides responded that he had talked with several counties who agreed with the idea but said he did not know if those counties submitted the idea as a legislative goal. Commissioner Sides said the purpose was to get the idea before the steering committee so the committee could determine if the idea should be submitted to the entire legislative delegation. Commissioner Sides said he knew from experience that if the goal was not submitted by the county commissioners, it would not be considered.

Commissioner Ford said he served on the State Board of Social Services and most members had been against changing the appointment process. Commissioner Ford said once the consolidation passed, those members felt the appointment process should have been part of the consolidation option.

Commissioner Sides moved to accept the legislative goal. The motion was seconded by Commissioner Barber and passed unanimously.

- ***Direct Control of expenditure of local funds given to schools for operating expense***

Commissioner Sides said county commissioners had the ability to control how the money was spent by the schools to some degree by allocating it to certain purposes/functions within the schools budget. Commissioner Sides felt the framework for county funding of schools needed to be more defined by the State in regards to control of the funds and how they were

spent. Commissioner Sides said local funding was an option and not a statutory requirement. Commissioner Sides explained that in Rowan County school funding accounted for over 26% of the budget. Commissioner Sides said the percentage did not include capital expenses.

Commissioner Sides said he would like to see a study performed regarding how counties could have better control over local expenses. Commissioner Sides said the reasoning was due to the Rowan Salisbury School System (RSSS) taking \$1.3 million from its surplus fund this year to give its employees a raise in addition to the raise and five (5) extra vacation days provided by the State. Commissioner Sides said the raises were more than the County's employees received. Commissioner Sides reiterated that he felt local funding should be more clearly defined and that counties should have better control as to how the monies were spent.

Chairman Mitchell felt the system was antiquated pertaining to providing local funding for the operations of schools. Chairman Mitchell said he supported a discussion; however, he did not personally want direct control of the funding.

Commissioner Sides said he would have no problem changing the wording; his main goal was to have the issue discussed.

Commissioner Barber said the wording of "direct control" was also an issue for him and he asked how Chairman Mitchell would change the language. Chairman Mitchell suggested changing the language to state, "Create a steering committee to examine the expenditure of local funds given to schools for operating expense".

Commissioner Sides said he had no problem with the change. Chairman Mitchell added that the steering committee would be from the NCACC itself.

Commissioner Coltrain said he could not support the goal as is. Commissioner Coltrain said the Board of Education (BOE) was an elected body and had a responsibility to the citizens to effectively use their funds to educate the children in the County. Commissioner Coltrain said he had no problem with a discussion regarding the state funding.

Chairman Mitchell moved to adopt a goal with a goal title of ***Assign To a NCACC Committee the Task of Examining the Expenditure of Local Funds Given to Schools for Operating Expense***. Commissioner Sides seconded the motion.

Commissioner Barber said he agreed with a discussion but not with the County having direct control.

Upon being put to a vote, the motion on the floor passed 4-1 with Commissioner Coltrain dissenting.

- ***Remove all extraterritorial jurisdictions (ETJ)***

Commissioner Sides said with the recently enacted changes to annexation laws, ETJ were no longer justified, especially in counties like Rowan where there was countywide planning staff, countywide zoning and an existing Land Use Plan (LUP). Commissioner Sides said he would like to see a goal of the NCACC to remove all ETJ within the State.

Commissioner Ford pointed out that people living in ETJ were controlled by the zoning of the town but those people could not vote for the elected officials. Commissioner Ford said the towns had to “police” the ETJ. Commissioner Ford said the law appeared to be antiquated.

Commissioner Sides said he put the goal in the form of a motion. The motion was seconded by Commissioner Ford.

Commissioner Coltrain agreed the subject needed to be reviewed but felt the ETJ were another vehicle for which the citizens could have input pertaining to what was going on around the municipality.

Upon being put to a vote, the motion passed 4-1 with Commissioner Coltrain dissenting.

- ***Make all city, county and state elections partisan***

Commissioner Sides said people continually tell him they would like to know the party of various elected officials. Commissioner Sides said he would like to see the law changed to where those offices are partisan statewide.

Commissioner Sides put the goal in the form of a motion and the motion was seconded by Commissioner Ford.

Commissioner Barber felt leaving the law as is would hopefully encourage people to do their homework on the candidates running for office.

Commissioner Coltrain said he appreciated the efforts behind the various goals being discussed and there was nothing personal intended by his opinions. Commissioner Coltrain said he would lean in the opposite direction so far as to make even the county commission positions non-partisan. Commissioner Coltrain said the individuals make the decisions and not the organization with which they are affiliated. Commissioner Coltrain expressed hope that at the local levels, people make their decisions based on their personal knowledge of people running for office.

Commissioner Ford agreed with Commissioner Sides' suggested goal. Commissioner Ford said he knew the platforms of the political parties and when someone was a member of a group, it gave him an idea of where that person stood on issues. Commissioner Ford said in some cases it does "get blurred" but he felt it would be easier for an individual affiliate themselves with a party.

Upon being put to a vote, the motion on the floor passed 3-2 with Commissioners Barber and Coltrain dissenting.

The goal title submitted by Commissioner Ford was as follows:

- ***Restructure Metropolitan Planning Organizations (MPO)***

Commissioner Ford said the MPO was comprised of members from Cabarrus and Rowan counties. Commissioner Ford said the MPO reviews and votes on short and long-term goals; however, it appeared the North Carolina Department of Transportation (DOT) did not listen to the MPO. Commissioner Ford said the MPO was an advisory board made up of elected officials and their advice was not being heeded by the DOT.

After a brief discussion, Commissioner Ford moved to submit the goal. The motion was seconded by Commissioner Sides and passed unanimously.

Commissioner Coltrain referred to the 2011-12 Intergovernmental Relations goals and said the following items were not met:

- #7 (Eliminate second primary and run-off elections)
- #8 (Authorize electronic notice of public hearings and other legal notices)
- #9 (Repeal public employee personnel record changes)

Commissioner Coltrain said in looking back at the 2012 elections, he would support #7. Commissioner Coltrain also said he would like for the NCACC to explore #8.

Commissioner Sides said he thought any goals not considered in 2011 would automatically be considered in 2012 and did not require a vote.

Commissioner Coltrain referred item #12 (Manufactured home taxes paid before transfer) under the 2011-12 Tax and Finance goals. Commissioner Coltrain said when talking to staff, mobile homes and automobiles were a nightmare in regards to collection of taxes.

Commissioner Coltrain referred to item #2 (Improve inmate medical care cost containment) in the 2011-12 Justice and Public Safety goals.

Chairman Mitchell explained that the Board would not be voting on the issues mentioned by Commissioner Coltrain as they were goals the NCACC had last year and would automatically be considered this year.

Commissioner Ford said, for the record, in regards to second runoffs, he would be in favor of the goal except in multi-seat races such as the county commission where there were 2 or 3 seats with 9 or 10 people running.

Chairman Mitchell said he was not in favor of eliminating runoffs but he did support the instant runoff system to save the tens of thousands of dollars it cost the county.

Chairman Mitchell asked the Clerk to take the goal submission sheets and prepare a letter on behalf of the Board. Chairman Mitchell said the Clerk might need to contact the Association pertaining to the steering committees.

4b. ADDITION

Sheriff Kevin Auten said Iredell County was in need of approximately 20 to 30 beds in order to begin maintenance on their facility. Sheriff Auten requested to move forward and sought the Board's approval to allow the County Manager and Staff to draft a contract that would be similar to the contracts used between Rowan County and Montgomery and Sampson counties.

Commissioner Sides moved, Commissioner Coltrain seconded and the vote to approve the request as stated passed unanimously.

5. CONSIDER APPROVAL OF BUDGET AMENDMENTS

Finance Director Leslie Heidrick presented the following budget amendments for the Board's consideration:

- Finance – To recognize reserved funds from FY 2012 for Cooperative Extension - \$62,784
- Health – To reflect reduction in Health Link Program from the Blanche and Julian Robertson Family Foundation - \$25,000
- Finance – To recognize reserved funds from FY 2012 for the Library - \$15,650
- Finance – To recognize reserved funds from FY 2012 for the Parks - \$36,898
- Finance – To recognize reserved funds from FY 2012 for Sheriff's Office - \$144,214
- Finance – To recognize reserved funds from FY 2012 for DSS - \$158,553
- Finance – To appropriate reserve funds to adjust county budget to match revised NC Department of Environment – Soil and Water budget - \$1,246
- Finance – To budget 2012 Urgent Repair Program for FY 2013 - \$75,000

Commissioner Barber moved approval of the budget amendments as presented. The motion was seconded by Commissioner Coltrain and passed unanimously.

6. CONSIDER APPROVAL OF BOARD APPOINTMENTS

SALISBURY ROWAN HUMAN RELATIONS COUNCIL

Joycelle Garces submitted an application to serve an unexpired term due to a resignation. The term expires February 28, 2014 at which time Ms. Garces would be eligible to apply for a full appointment.

Commissioner Coltrain nominated Joycelle Garces.

Commissioner Ford said he would no longer support nominations to this Council due to comments he had received from several council members. Commissioner Ford felt the council should be disbanded.

Chairman Mitchell said he had no problem submitting the nomination but he would agree to a conversation regarding the County withdrawing from the Council if it was the direction of the Board.

Commissioner Coltrain said while some of the current members were performing their responsibilities in a manner differently than may be desired, the overall goals and principles of the group were needed.

Upon being put to a vote, the nomination passed unanimously.

JUVENILE CRIME PREVENTION COUNCIL

- Barbara Ellis has submitted an application as the new Health Department Director. There are no term limits for the Health Department Director.

Commissioner Coltrain nominated Ms. Ellis and the nomination passed unanimously.

- Kathy Marie Shelton-Riek has submitted an application to serve as the Business Appointee.

Commissioner Coltrain nominated Kathy Marie Shelton-Riek and the nomination passed unanimously. The term was for two (2) years beginning September 1, 2012 and expiring June 30, 2014.

- Robert Lee Lippard has submitted an application for reappointment as the United Way Appointee. In order to be considered, the Board would need to waive the term limits set forth in the Resolution adopted September 2009.

Commissioner Sides moved to readvertise the position and the motion was seconded by Commissioner Ford.

Commissioner Coltrain pointed out that Mr. Lippard serves as the Director of the United Way and that he felt Mr. Lippard was a primary source of programs needed in the community. Commissioner Cottrain said he was agreeable to waiving the term limits for Mr. Lippard.

Chairman Mitchell said the North Carolina General Statute stated the position could be held by a member of the United Way or another non-profit agency.

Upon being put to a vote, the motion on the floor passed unanimously.

Chairman Mitchell said there had been a lot of applications received from individuals who had fulfilled their available term limits. Chairman Mitchell then read from the Resolution previously adopted by the Board governing the board appointment process. Chairman Mitchell inquired as to the Board's pleasure in changing the language to state if an applicant whose term limits have expired and there are no other applicants, the Board of Commissioners is to be notified but the position is automatically readvertised by staff. Chairman Mitchell said Staff would take the initiative to notify the Board and readvertise the vacancy.

The Board members were in agreement with the suggestion and Chairman Mitchell asked Staff to work on the language for an upcoming meeting.

ROWAN PUBLIC LIBRARY BOARD

- Marilyn Warlick has submitted a letter of resignation effective August 27, 2012.

Commissioner Sides moved, Commissioner Ford seconded and the vote to accept the resignation of Marilyn Warlick passed unanimously.

7. ADJOURNMENT

There being no further business to come before the Board, Commissioner Ford moved to adjourn at 3:46 pm. The motion was seconded by Commissioner Coltrain and passed unanimously.

Respectfully Submitted,

Carolyn Athey, CMC, NCCCC
Clerk to the Board/
Assistant to the County Manager